
DIGEST

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HB 535 Original

2017 Regular Session

Marcelle

Abstract: Designates East Baton Rouge Parish, West Baton Rouge Parish, East Feliciana Parish, West Feliciana Parish, and Pointe Coupee Parish as a critical ground water area of concern and provides for certain governing bodies and ground water use in critical areas.

Present law requires the commissioner, through the office of conservation, to administer all matters related to the management of the state's ground water resources by providing for the most "advantageous use" of the resource consistent with the protection, conservation, and replenishment thereof.

Present law defines an "area of ground water concern" as an area in which, under current usage and normal environmental conditions, sustainability of an aquifer is not being maintained due to either movement of a salt water front, water level decline, or subsidence, which results in unacceptable environmental, economic, social, or health impact, or which causes serious adverse impact to an aquifer, considering the areal and temporal extent of all such impacts.

Present law defines "critical area of ground water concern" as an area of ground water concern that cannot maintain sustainability without withdrawal restrictions.

Present law provides for the authority of the commissioner to identify areas of ground water concern and critical areas of ground water concern and the procedures by which well owners apply to have such areas designated. Present law provides that if the commissioner does identify an area where the ground water is threatened, he must establish a plan to manage the resource. The plan may include educational and conservation programs, incentives to reduce ground water use, and, if given the critical designation, restrictions on withdrawals.

Present law requires the commissioner to hold a public hearing on any draft order proposing to designate a threatened area and that at least 30 days prior to the hearing, the commissioner shall provide a copy of the draft order to the House and Senate committees on natural resources.

Proposed law retains present law and designates the area comprised of East Baton Rouge Parish, West Baton Rouge Parish, East Feliciana Parish, West Feliciana Parish, and Pointe Coupee Parish, as an area of ground water concern and a critical area of ground water concern. Proposed law requires the commissioner to hold at least one public hearing in the area designated by proposed law, and to issue an order to manage the ground water resource.

Proposed law limits the membership of any governing body of a political subdivision created for the

purpose of conserving ground water or to provide for the efficient administration, conservation, orderly development and supplementation of ground water resources in a critical area of ground water concern. Prohibits from the membership of such bodies any person with a conflict of interest as provided by present law and any person employed by, who has an ownership interest in, or is a consultant of a private entity that produces or uses ground water in the jurisdiction of the governing body for any beneficial use, in excess of 50,000 gallons for any day during any calendar year from a well or wells owned or operated by such entity or from a well or wells owned or operated solely for the production of water used by such entity.

Proposed law authorizes such governing bodies to do all things necessary to prevent waste of ground water resources and to prevent or alleviate damaging or potentially damaging subsidence of the land surface caused by withdrawal of ground water within the area. Proposed law includes the authority to take action, including but not limited to, issuing orders to prohibit the use and withdrawal of ground water and to enforce use and withdrawal limitations.

Proposed law limits any facility defined by proposed law and located in a critical area of ground water concern to no more than 1,000,000 gallons of ground water per day within two years of the area's designation as critical. Proposed law defines "facility" as any public or private property or site and all contiguous land and structures, other appurtenances and improvements, where an activity is conducted, and all the contiguous property under the control of the owner or operator.

Proposed law exempts agricultural, residential, domestic, municipal uses, or public supply uses from the required ground water limits in proposed law.

(Amends R.S. 38:3097.6(A) and (B)(intro. para.) and (3)(intro. para.); Adds R.S. 38: 3097.6(C), (D), and (E))